

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

MICHAEL GARRISON,

Plaintiff,

v.

Case Number 09-cv-14560  
Honorable Thomas L. Ludington

MICHIGAN DEPT. OF  
CORRECTIONS ET AL.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION  
AND GRANTING DEFENDANTS' MOTION TO DISMISS**

This matter is before the Court on the report and recommendation (ECF No. 156) issued by Magistrate Judge R. Steven Whalen on August 10, 2011, on Defendants' motion to dismiss (ECF No. 154). Judge Whalen recommends that the Court grant the motion to dismiss the complaint of Plaintiff Michael Garrison, which asserts claims pursuant to 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Person Act of 2000, 42 U.S.C. § 2000cc et seq. Specifically, Judge Whalen recommends that the Court dismiss Plaintiff's claims for a failure to prosecute this action, as Plaintiff has taken no action since December 28, 2009, when Plaintiff filed a change of address indicating that he was residing at the Pugsley Correctional Facility in Kingsley, Michigan. ECF No. 147. Plaintiff was released on parole on February 9, 2010, however, he has not informed this Court of any updated mailing address. The report and

recommendation was served on Plaintiff's address of record, but was returned as undeliverable. Local Rule 11.2 provides:

Every attorney and every party not represented by an attorney must include his or her contact information consisting of his or her address, e-mail address, and telephone number on the first paper that person files in a case. If there is a change in the contact information, that person promptly must file and serve a notice with the new contact information. The failure to file promptly current contact information may subject that person or party to appropriate sanctions, which may include dismissal, default judgment, and costs.

E.D. Mich. LR 11.2. As the report and recommendation was properly served in accordance with this Court's Local Rules, the matter is ripe for adjudication.

As of today's date, no party has filed any objections to Judge Whalen's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Judge Whalen's report and recommendation (ECF No. 156) is **ADOPTED**.

It is further **ORDERED** that Defendants' to dismiss (ECF No. 154) is **GRANTED**.

It is further **ORDERED** that Plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: September 2, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and upon Michael Garrison, #237608, at Pugsley Correctional Facility, 7401 East Walton Road, Kingsley, MI 49649 by first class U.S. mail on September 2, 2011

s/Tracy A. Jacobs  
TRACY A. JACOBS